

roni 5 Lbs. Net Empire Brand Products \* \* \* Mfd. By U. S. Macaroni Mfg. Co. Spokane, Wash."

The article was alleged to be misbranded in that the statement "5 Lbs. Net", borne on the box, was false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the boxes contained less than 5 pounds net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22884. Misbranding of salad oil. U. S. v. 24 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 31863. Sample no. 66225-A.)**

This case involved a product consisting largely of domestic cottonseed oil which was labeled to convey the impression that it was olive oil of foreign origin.

On January 23, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cans of salad oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about October 28, 1933, by P. Esposito & Bro., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fine Oil La Gloriosa Brand \* \* \* La Gloriosa Packing Co. P. E. & B. Inc. N. Y."

The article was alleged to be misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", and "Olio Finissimo", together with the designs of a crown, olive branches, and medal carrying the Italian national colors, and the prominence given to the words "Lucca Olive Oil," in the statement, "Pure and Delicious Oil Composed of Eighty Five Percent Choice Salad Oil and Fifteen Percent Lucca Olive Oil", (which statements, designs, and devices appeared on the label), were misleading and deceived and misled the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted largely of domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On August 28, 1934, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions, in view of the fact that it was in good condition and fit for food.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22885. Adulteration and misbranding of butter. U. S. v. Shelby Creamery Co. Plea of guilty. Fine, 1 cent and costs. (F. & D. no. 32088. Sample no. 89200-A.)**

This case was based on a shipment of butter that was deficient in milk fat and which was short weight.

On May 25, 1934, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shelby Creamery Co., a corporation, Shelby, N. C., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about September 7, 1933, from the State of North Carolina into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Shelby Gilt Edge Creamery Butter \* \* \* Shelby Creamery Company, Shelby, N. C. \* \* \* One Pound net."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged in that the statements, "Butter" and "One Pound Net", borne on the label of the package, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat,